



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date:	March 9, 2010
Land Use Action Date:	May 11, 2010
Board of Aldermen Action Date:	May 17, 2010
90-Day Expiration Date:	June 7, 2010

DATE: March 5, 2010

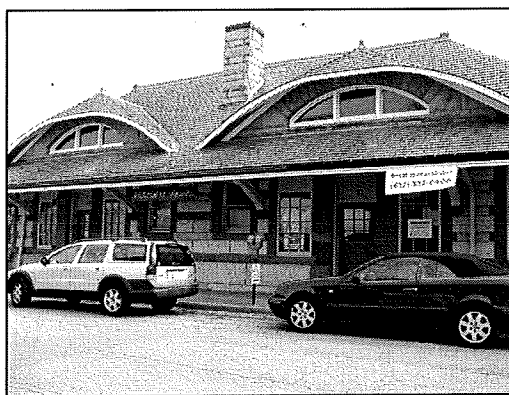
TO: Board of Aldermen

FROM: Candace Havens, Interim Director of Planning and Development
Alexandra Ananth, Senior Planner

SUBJECT: Petition # **45-10**, DELUXE STATION DINER/AMERICAN COMPANIES, for a SPECIAL PERMIT/SITE PLAN APPROVAL, to locate a 90-seat restaurant and waive 18 parking spaces at 70 UNION STREET, Ward 6, NEWTON CENTRE, on land known as Sec 61, Blk 36, Lots 11A, containing approx 2,842 sf of land in a district zoned BUSINESS 1.

CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The subject property consists of a 2,842 sq. ft. site improved with a historically significant train station (on the National Register) that was most recently occupied by Starbucks. The property is currently owned by the MBTA but is under a long-term lease agreement with the Boston Development Group, which is seeking to lease the building to a proposed commercial tenant doing business as the Deluxe Station Diner Newton Centre. Deluxe Station Diner also owns and operates the 86-seat Deluxe Town Diner located at 627 Mount Auburn Street in Watertown.

The petitioners are seeking to locate a 90-seat restaurant in the currently vacant building at 70 Union Street in Newton Centre in a Business 1 district; restaurants with more than 50 seats are allowed in BU-1 zones by special permit. In addition, the petitioner is also seeking a parking waiver of 18 required parking spaces. The proposed 90-seat restaurant has a parking requirement of 34 stalls including four spaces for the proposed 12 employees on the largest shift. The previous use has a parking credit of 16 stalls therefore the number of new spaces required for the proposed use is 18 stalls. The subject property has no available parking on-site.

Although the site is located close to three municipal parking lots and recent studies of Newton Centre indicate there is sufficient parking to accommodate the requested waiver, the Planning Department is concerned that the proposed use will lead to increased traffic congestion in the area as motorists seek available parking spaces and suggests the petitioner seek ways to reduce parking demand by employees. The Planning Department is also concerned that the majority of parking spaces nearby have one-hour meters, which may not allow for sufficient time for diners to complete their dining experience in time to avoid receiving a parking violation.

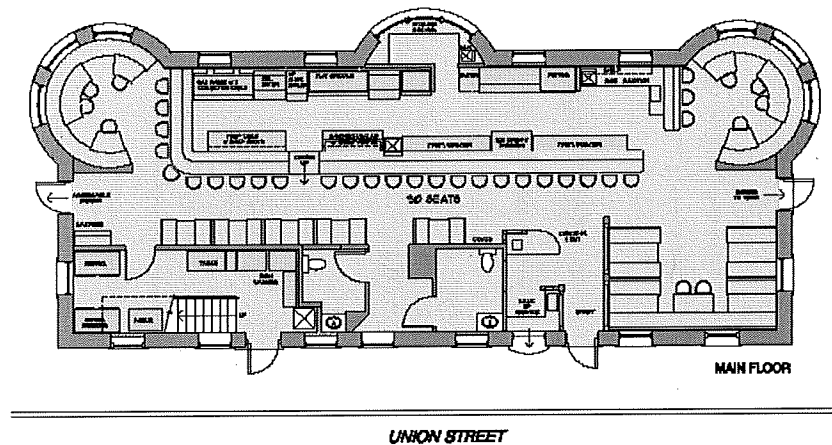
The inclusion of a family restaurant in this location is consistent with the *2007 Newton Comprehensive Plan*, which encourages the vitality of village centers by offering services to nearby neighborhoods, provided the petitioner is able to protect the quality of life in those neighborhoods. The adaptive reuse of this structure with minimal changes to the facade will help ensure the preservation of this historic structure.

The Newton Centre Station building is one of three remaining stations of the original twelve designed by the office of Henry Hobson Richardson for the Boston and Albany Railroad. The interior woodwork has been preserved and is basically intact. The original Fredrick Law Olmsted designed landscaping surrounding the station has deteriorated and been altered over time. *If approved, the Planning Department recommends the petitioner attempt to obtain and restore the original landscape plan as a public benefit of this petition.*

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should determine if the following findings apply:

- The proposed restaurant use with greater than 50 seats will positively affect Newton Centre by increasing the vitality of the commercial district.
- The granting of a waiver for 18 parking stalls will not have adverse affects on parking, traffic, and circulation in the Newton Centre commercial district or adjacent residential streets.



II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

Located on the south side of Newton Centre on Union Street, the subject property is part of a block zoned Business 1 bounded by Herrick and Langley Roads and is the former Newton Centre Train Station. There are four large municipal parking lots in the immediate neighborhood including the Pelham and Pleasant Street lots, the Cypress Street lot, and the Newton Centre "Triangle" lot. Together these lots include approximately 391 metered spaces (although some recently have been "bagged" as part of the employee parking trial) and there is on-street metered parking in the immediate neighborhood as well. Newton Centre is served by the MBTA Green Line and the 52 Bus Line, which runs from Watertown to Dedham. The block to the north consists of mixed-use commercial, retail, office and restaurant uses. Just west of the subject property is a taxi company. Across the tracks to the south is a Multi-Residence 1 district that contains a mix of single- and two-family uses.

B. Site

The 2,842 sq. ft. site consists of an approximately 2,352 sq. ft. building, which takes up most of the lot. The parcel is abutted to the west and east by land also owned by the MBTA, who owns the subject property. The parcel to the west consists of a planting area and a sloped concrete walkway that leads from the sidewalk to the train platform. The parcel to the east contains a concrete terrace with a bank of phone booths and a planting area as well as stairs leading down to the train platform.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The Deluxe Station Diner is modeled after its other diner located in Watertown and

offers American diner food. Proposed hours of operation are 6:00 a.m. to 10:00 p.m., seven days a week. The petitioner has stated that weekend brunch is the busiest time, with up to 12 employees staffing the restaurant and kitchen.

B. Building Design

The proposed restaurant facility would locate up to 90 seats in the existing building at the street level. The restaurant would contain a mix of table and counter seating as well as bathrooms, and food prep space.

As mentioned in the Executive Summary, the Newton Centre Train Station building is one of three remaining stations of the original 12 designed by the office of Henry Hobson Richardson for the Boston and Albany Railroad. The building is constructed of rough-cut stone and a steeply-pitched hip roof with large overhang. Low, arched dormers project from the slate roof. A stone chimney pierces the roof between the two dormers. The roof flares at its ends, producing deep eaves, which are supported by wooden braces. The interior woodwork has been preserved and is basically intact and the building is listed on the Nation Register. The petitioner is not proposing changes to the exterior of the historic building, except to turn a fixed window into a service window so it opens to the street. The petitioner is also proposing an exhaust vent on the track side of the building. *Should the Board choose to approve this petition, Planning staff recommends the petitioner submit plans to the Historical Commission for review and approval prior to the issuance of a building permit.*

C. Parking and Circulation

There are no parking spaces associated with the subject property. Since the building was constructed before the City enacted parking regulations for commercial properties the parking formula of A-B+C applies. The site has a parking credit of 16 stalls based on the previous use, but must seek a waiver of 18 additional stalls based on the parking requirement of 34 stalls for 90 seats and up to 12 employees on the largest shift.

The petitioners submitted a parking study prepared by Planning Horizons on February 9, 2010. Although previous studies of Newton Centre have provided evidence that there is sufficient parking in Newton Centre to accommodate the requested waiver, the Planning Department has several concerns relating to the proposed waiver and findings presented by Planning Horizons.

In its analysis, Planning Horizons surveyed 14 parking areas within an approximate 3.5-minute walk of the proposed diner. Most of these parking areas have one-hour parking meters. While the petitioner indicates that the Deluxe Station Diner can readily meet an 18-parking space waiver, the Planning Department is concerned that parking availability within a 3.5 minute walk distance of the proposed diner will be inadequate to meet the actual demand at certain times.

The petitioner's own observations show that on Saturday February 6, at 12:30 p.m., a total of 26 parking spaces were available in all of the parking areas located within

a 3.5 minute walk of the proposed diner. While these spaces would meet the 18 parking-space waiver, the Planning Department believes it to be likely that the diner could generate a parking demand in excess of the 26 available parking spaces. The Planning Department is also concerned that since most lots near the proposed diner were observed to have had zero to two parking spaces available for the same time period, motorists would circle through Newton Centre, seeking an available parking space, thereby adding to the traffic congestion in the area.

As the Board of Aldermen recently approved two special permits in Newton Centre, both of which included parking waivers, the Planning Department is concerned that the availability of parking in close proximity to the proposed diner will be further reduced. The Planning Department is also concerned that some diners would be apprehensive about parking at one-hour meters, as it may not allow them adequate time to get to and from the diner, wait for a table, order and eat their meal in time to avoid receiving a parking violation. Some diners, therefore, may choose not to park at one-hour meters, which may also add to the congestion in the area as these motorists seek a more favorable longer term parking location. This situation could be helped by adding more longer-term meters or zones within easy walking distance.

The Newton Traffic Council recently established the "live" parking area directly in front of the proposed diner site as a MBTA passenger pick-up/drop-off zone from 4:30 -6:30 p.m. to reduce double-parking when drivers wait for arriving "T" passengers at the end of the day. As the petitioner is proposing a pick-up window facing the "live" parking zone, this may also be used by restaurant patrons as they go to the diner's window to pick up their orders. *At the public hearing, the petitioner should address how the overlap in demand for these "live" parking spaces would be coordinated.*

Finally, although the Planning Department is concerned about the convenience and availability of parking near the MBTA station, previous studies of Newton Centre indicate that, overall, the demand for parking spaces does not exceed 70% of supply at peak times. As such, patrons may need to walk farther to the available spaces. Contemporary parking policies employed in other cities allow for reductions in parking requirements where uses are in close proximity to transit stations, so consideration may be given to this feature at this location. To further reduce the demand for parking, staff recommends the petitioner establish a transportation demand management plan that includes strategies for getting employees out of their cars (such as giving them "T" passes) or by encouraging them to park farther away from the restaurant, such as in the underutilized Pelham or Pleasant Street lots where commercial parking passes can be obtained for long-term metered parking. The petitioner also notes that since there is a significant level of commercial activity in Newton Centre, some business will come from employees of such establishments who will walk to the proposed diner. In addition, half of all sales will originate on weekends, particularly on Sundays when parking demand is at its lowest.

D. Landscape Screening, Lighting, and Signage

Although the petitioner submitted a landscape plan for the two parcels adjacent to the site and also under common ownership by the MBTA, as a public benefit, the Planning Department strongly encourages the petitioner to research the original Olmsted-designed landscape plan from the Fredrick Law Olmsted National Historic Site in Brookline, MA and to seek to restore the planting area to the original design as much as possible. Additional site improvements proposed by the petitioner include the addition of a new bike rack, baby stroller parking area, the addition of planters and benches along the building, new trash collection containers, and a newspaper enclosure area. *The petitioner did not submit any information regarding lighting or signage and should do so prior to being scheduled for a Working Session.*

IV. COMPREHENSIVE PLAN

The November 2007 *Newton Comprehensive Plan* encourages enhancing village centers and their vitality by providing services and amenities to nearby neighborhoods, while protecting the qualities of those neighborhoods. In addition, it supports fostering viable businesses to enhance the commercial real estate tax and employment bases. The goals of the *Comprehensive Plan* to maintain a desirable quality of life would be further supported if the proposed business offered incentives for employees and customers to take advantage of alternative forms of transportation and/or demonstrate how surrounding neighborhoods will be protected from overflow parking. The Planning Department also notes that the adaptive reuse of a historic building will likely help ensure its preservation.

V. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated January 28, 2010 (*ATTACHMENT "A"*), provides an analysis of the project with regards to the City's zoning regulations. The building is legally nonconforming and no changes are proposed.
- B. Parking Requirements (Section 30-19). The Zoning Review Memorandum provides an analysis of the proposal with regard to Section 30-19. The petitioners are seeking a waiver of 18 required parking spaces in order to accommodate the proposed 90-seat diner and required staffing levels on the largest shift.
- C. Other Reviews
 - 1. Engineering and Fire Department Review. As the petitioner is not proposing any changes to the site or building, no Engineering or Fire Department review was required. Should the Board choose to approve this petition, these departments will review plans prior to the issuance of a building permit.
 - 2. Traffic. Senior Transportation Planner David Koses reviewed the submitted parking analysis and contributed to the Parking and Circulation section of this report.

3. Urban Design Commission. Prior to the issuance of a building permit, the Planning Department recommends the Urban Design Commission and Planning Department review any proposed signage.

VI. ZONING RELIEFS SOUGHT

The petitioners are seeking approval through or relief from:

- Section 30-11(d)(9), to allow a restaurant with more than 50 seats in the BU-1 zone
- Section 30-19 (d), & 30-19(m), to waive 18 required parking spaces
- Section 30-23, for site plan approval
- Section 30-24, for approval of special permits

VII. SUMMARY OF PETITIONERS' RESPONSIBILITIES

Prior to scheduling for a Working Session, the petitioner should provide the following:

- *The petitioner should attempt to obtain and restore the original Olmsted-designed landscape plan.*
- *The petitioner should address how he would be able to prevent the MBTA passenger pick-up/drop-off zone from being used as a private staging area for customers picking up orders from the pick-up window or otherwise coordinate overlapping use of the area.*
- *The petitioner should submit information regarding proposed lighting or signage.*
- *The petitioner should clarify current or future plans for use of any basement/platform level space.*

ATTACHMENTS

ATTACHMENT A: Zoning Review Memorandum, dated January 28, 2010

ATTACHMENT B: Zoning Map

ATTACHMENT C: Land Use Map

Zoning Review Memorandum

Dt: January 28, 2010

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Acting Director of Planning and Development *CH*

Cc: Joseph D. LaGrasse, representing Deluxe Station Diner
Ouida Young, Associate City Solicitor

RE: Request to permit a restaurant with 90 seats.

Applicant: Don Levy, dba Deluxe Station Diner Newton Centre	
Site: 70 Union Street	SBL: Section 61, Block 36, Lots 11A
Zoning: BU-1	Lot Area: 2,842 square feet
Current use: Vacant, previously Starbucks's coffee shop	Proposed use: 90 seat restaurant

Background:

The subject property consists of a 2,842 square foot lot currently improved with an historic structure. The property is currently owned by the MBTA but is under a long-term lease agreement with the Boston Development Group, who is responsible for leasing the space to commercial tenants. The applicant, Deluxe Station Diner is proposing to locate a 90-seat restaurant in the existing building. No major structural changes are proposed to the exterior of the structure. The most recent use of the site was as a Starbucks's coffee shop.

Administrative determinations:

1. The subject property is located in the BU-1 zoning district. The applicants are proposing a restaurant with a total of 90 seats. This use is allowed in the BU-1 zone with approval of a special permit from the Board of Aldermen under Section 30-11(d)(9) of the Newton Zoning Ordinance.
2. Section 30-19(c)(2) outlines a formula ($A - B + C =$ number of required spaces) to determine how many on-site parking spaces must be provided with a change of use in a building. Variable A is the number of off-street parking stalls required under 30-19(d) for the proposed use(s). Variable B is the number of off-street parking stalls that would have been required for the previous use(s). Variable C is the number of off-street parking spaces located on-site.

In cases like this one where Variable C is not equal to or greater than Variable B (i.e. there are phantom parking spaces because the buildings and/or uses were created without parking before the City required it), this formula does not calculate the number of spaces that must be created on-site or waived by special permit in order to be in compliance with the Zoning Ordinance only

the overall number of spaces required. The number of spaces that must be additionally provided on-site or waived is simply the number of spaces required by the use (as calculated by above formula) less the number of spaces already provided on-site (i.e. $A-B+C$ =the number of spaces that must either be provided or waived or more simply $A-B$). It is even simpler for this project since Variable $C=0$ as there is no parking at all on-site.

3. The most recent use of this site was a Starbuck's coffee shop. A 1991 memo from the Director of Current Planning to the Commissioner of Inspectional Services states that the MBTA train station (the subject site) has a parking credit of 16 spaces. This memo was written in connection with an application for a coffee shop proposing to occupy the building at the time. The Starbuck's continued this use and its 16 space parking credit (Variable B). The current proposal, a 90-seat restaurant requires 34 parking spaces. This is Variable A in the formula. Therefore, the proposed use must provide 18 parking spaces on-site or obtain a special permit from the Board of Aldermen to waive this requirement under Section 30-19(m) (see chart below).

Use Category	Required per Section 30-19(d)	Proposed Use	Proposed Parking Requirement (A)	Parking Credit for Previous Uses (B)	Number of New Spaces Required (A-B)
Restaurant	1 space/3 seats and 1 space/3 employees	90 seats, 12 employees	34	16	18

4. See "Zoning Relief Summary" below:

Zoning Relief Summary		
Ordinance		Action Required
	Use	
§30-11(d)(9)	Allow a restaurant with more than 50 seats in the BU-1 zone	SP per §30-24
	Parking	
§30-19(d), 30-19(m)	Waive 18 required parking spaces	SP per §30-24

Plans and materials reviewed:

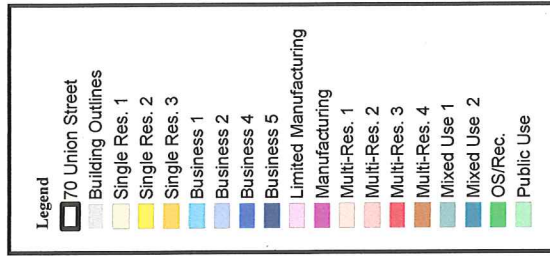
- Narrative outlining zoning compliance
- Inter-Office Correspondence to Walter Adams from Susan Glazer dated September 4, 1991 regarding Newton Centre T Station parking
- "Exhibit D, Newton Centre MBTA Station, Examples of the Application of Parking Requirements to Various Uses"
- "EX-1, Site Context, Deluxe Station Diner, Union Street, Newton Centre, MA," prepared by JD LaGrasse & Associates, Inc.
- "EX-2, Existing Site Plan, Deluxe Station Diner, Union Street, Newton Centre, MA," prepared by JD LaGrasse & Associates, Inc.

- “C-1, Proposed Site Improvements, Deluxe Station Diner, Union Street, Newton Centre, MA,” prepared by JD LaGrasse & Associates, Inc.
- “A-1, Proposed Diner, Deluxe Station Diner, Union Street, Newton Centre, MA,” prepared by JD LaGrasse & Associates, Inc.

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Zoning Map

70 Union Street

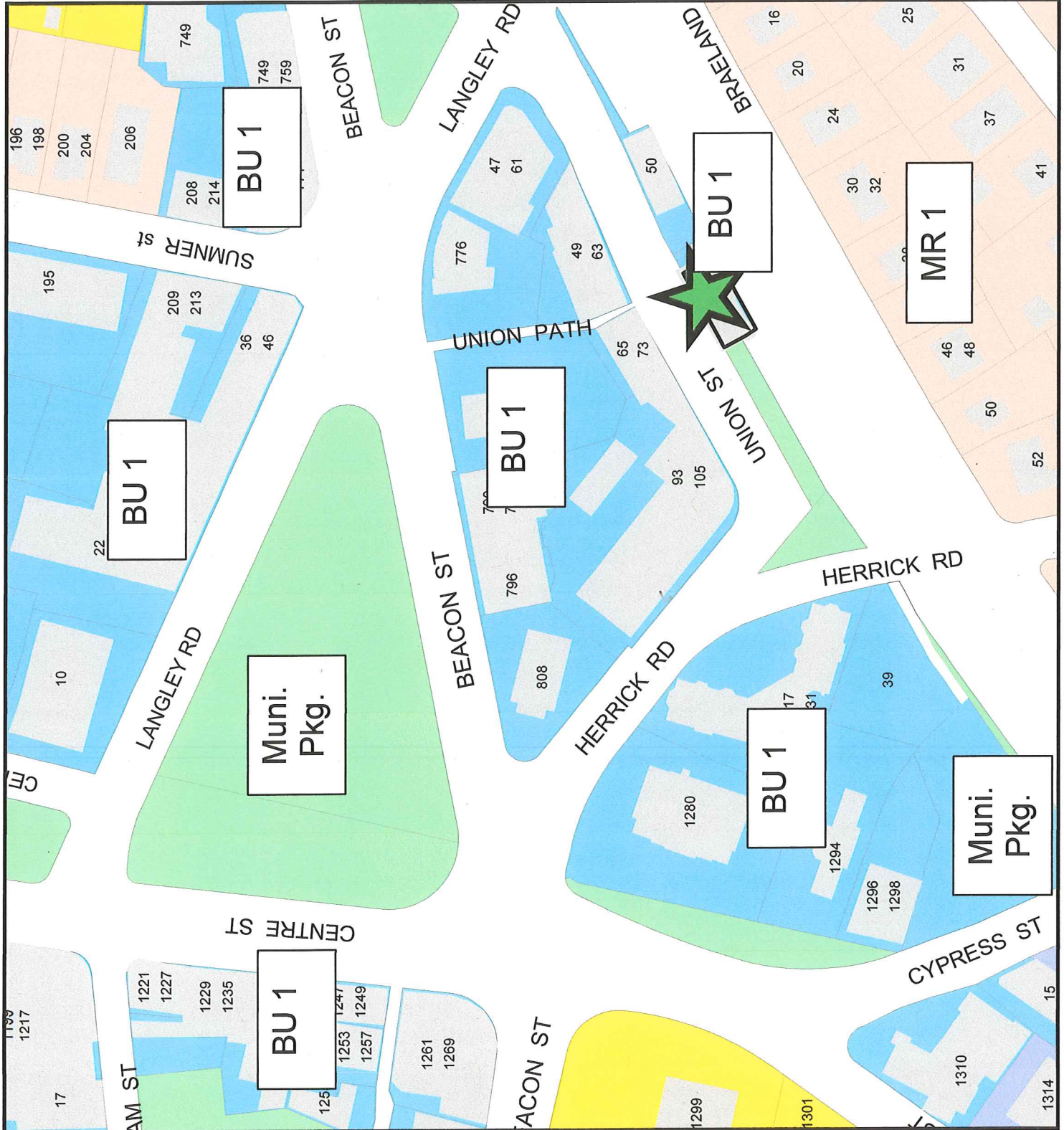


ATTACHMENT B

The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of this information is responsible for determining its suitability for their own purposes. City departments may approve applications based on this information.

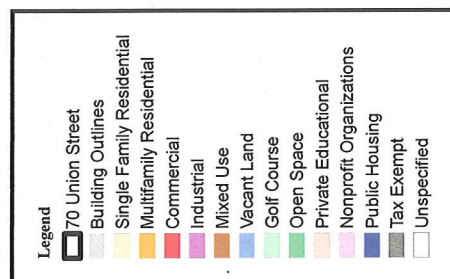


MAP DATE: March



70 Union Street

ATTACHMENT C



The information on this map Geographic Information Systems (GIS) cannot guarantee the information. Each user of this information for determining its suitability for a particular purpose. City departments approve applications based on the information provided.



MAP DATE: Marc

